THE BOMBAY RENTS, HOTEL AND LODGING HOUSE RATES CONTROL ACT, 1947.

CONTENTS.

PREAMBLE.

SECTIONS.

PART I.

Preliminary.

1. Short title.
2. Extent.
3. Commencement and duration.
4. Exemptions.
4A. Power of State Government to issue orders in respect of premises belonging to local authority.
5. Definitions.

PART II.

Residential and other Premises.

6. Application.
7. Rent in excess of Standard rent illegal.
8. Cases where rent to be deemed and not to be deemed to be increased.
9. Increase in rent on account of improvement, etc., excepted.
10. Increase in rent on account of payment of rates, etc., excepted.
10A. Increase in rent on account of payment of increased rates, etc., after 31st March 1949 not permitted in certain areas.
10AA. Increase in rent on account of payment of increased rates, etc., permitted after certain date in certain areas.
10B. Proportional recovery of riot tax after certain date permitted.
10C. Increase in rent excepted.
10D. Increase in rent on account of repairs excepted.
11. Court may fix Standard rent and permitted increases in certain cases.
12. No ejectment ordinarily to be made if tenant pays or is ready and willing to pay Standard rent and permitted increases.
13. When landlord may recover possession.
14. Sub-tenant to become tenant on determination of tenancy.
15. Tenant not to sub-let or transfer after this Act.
16. Recovery of possession for repairs, and re-entry.
17. Recovery of possession for occupation, etc., and re-entry.
17A. Recovery of possession for demolishing building.
17B. Tenant's right to give notice to landlord of his intention to occupy tenement in new building.
17C. Landlord to intimate to tenant date of completion and tenant's right to occupy tenement in new building.
18. Unlawful charges by landlord.
19. Unlawful charges by tenant.
20. Recovery of amounts paid not in accordance with Act.

SECTIONS.

21. Landlord to furnish particulars of rent, etc., to tenant.
22. Particulars to be furnished by tenant of tenancy sub-let or transferred before this Act.
23. Landlord's duty to keep premises in good repair.
24. Landlord not to cut off or withhold essential supply or service.
25. Conversion of residential into non-residential premises prohibited.
26. Giving receipt for rent compulsory.
27. Recovery of rent according to British calendar.
28. Jurisdiction of courts.
29. Appeal.
30. Compensation in respect of proceedings which are not *bona fide* or are false, frivolous or vexatious.
31. Procedure of courts.

PART III.

Hotels and Lodging Houses.

32. Appointment of Controller.
33. Fixation of fair rates and nubmer of lodgers.
34. Revision of fair rates, percentage of accommodation and number of lodgers.
35. Continuance of fair rates before coming into operation of this Part.
36. Notice of fair rate, percentage of accommodation and number of lodgers to be displayed.
37. Charges not recoverable in excess of fair rate.
38. No ejectment ordinarily to be made if fair rate paid.
39. When manager of a hotel or owner of lodging house may recover possession.
40. Penalties.
41. Provisions relating to inquiries by Controller.
42. Appeal.
43. Procedure of courts in suits.
44. Controller to be deemed public servant.
45. All proceedings before a Controller to be judicial proceedings.
46. Protection of action taken under this Act.

PART IV.

Miscellaneous.

47. Certain offences to be cognizable.
48. Offences by companies, etc.
49. Rules.
50. Repeal
51. Removal of doubt as regards proceedings under Chapter VII of the Presidency Small Cause Court Act, 1882.

SCHEDULES I TO III.

BOMBAY ACT No. LVII OF 1947.[1]

[THE BOMBAY RENTS, HOTEL AND LODGING HOUSE RATES CONTROL ACT, 1947.]

[*19th January 1948*]

Amended by Bom. 36 of 1948.
,, ,, ,, 3 of 1949.
,, ,, ,, 53 of 1949.
,, ,, ,, 58 of 1949.*
,, ,, ,, 59 of 1949.
,, ,, ,, 16 of 1950.
Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 53 of 1950.
,, ,, ,, 42 of 1951.
,, ,, ,, 43 of 1951.
,, ,, ,, 15 of 1952.
,, ,, ,, 4 of 1953.
,, ,, ,, 61 of 1953.
,, ,, ,, 46 of 1954.*

An Act to amend and consolidate the law relating to the control of rents and repairs of certain premises, of rates of hotels and lodging houses and of evictions.

WHEREAS it is expedient to amend and consolidate the law relating to the control of rents and repairs of certain premises, of rates of hotels and lodging houses and of evictions ; It is hereby enacted as follows :—

PART I.

Preliminary.

Short title. 1. This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

Extent. 2. (*1*) Parts I and IV of this Act shall extend to the whole of the [2][State] of Bombay.

(*2*) Parts II and III shall extend respectively to the areas specified in Schedules I and II to this Act and shall continue to extend to any such area notwithstanding that the area ceases to be of the description therein specified.

(*3*) The [3][State] Government may, by notification in the *Official Gazette* extend to any other area any or all of the provisions of Part II or Part III or of both.

(*4*) The [3][State] Government may, at any time by like notification direct that any or all the provisions of Part II or Part III or of both, as the case may be, shall cease to extend to such area and on such date as may be specified in the notification ; and on that date the said provisions shall cease to be in force in such area.

Commencement and duration. 3. (*1*) This Act shall come into operation on such date as the [3][State] Government may, by notification in the *Official Gazette*, appoint in this behalf.

(*2*) It shall remain in force up to and inclusive of the 31st day of March [4][1959].

[5]* * * * * * * *

---

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1947, Part V, page 364.
[2] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.
[3] This word was substituted for the word "Provincial", *ibid.*
[4] These figures were substituted for the figures "1954" by Bom. 61 of 1953, s. 2.
[5] The proviso to sub-section (*2*) was deleted, *ibid*, s. 2 (*2*).

*Section 7 of Bom. 58 of 1949 reads as follows :—

Savings. "7. The amendments made in the said Act by the provisions of sections 4 and 5 of this Act shall not have any effect in respect of and apply to any suit or proceeding pending in any court on the date on which this Act comes into force or to execution or other proceeding arising out of any decree or order passed by any court before the date on which this Act comes into force and any such suit or proceeding shall be continued or instituted and disposed of as if this Act had not been passed."

Bom. LXI of 1953.

*Section 3 of Bom. 46 of 1954 reads as follows :—

Coming into force of section 2 of this Act with retrospective effect. "3. The amendment made by section 2 of this Act shall be deemed to have come into force on and from the date on which the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953, came into force."

(*3*) Section 7 of the Bombay General Clauses Act, 1904, shall apply upon the expiry of this Act or upon this Act or any provision thereof ceasing to be in force in any area, as if it had then been repealed by a Bombay Act. Bom. I of 1904.

Exemptions.

4. (*1*) This Act shall not apply to any premises belonging to the Government or a local authority or apply as against the Government to any tenancy or other like relationship created by a grant from the Government in respect of premises taken on lease or requisitioned by the Government ; but it shall apply in respect of premises let to the Government or a local authority.

(*2*) The [1][State] Government may direct that all or any of the provisions of this Act [2][shall not subject to such conditions and terms, as it may specify, apply generally].

[3][(*i*) to premises used for a public purpose of a charitable nature or to any class of premises used for such purpose ;

(*ii*) to premises held by a public trust for a religious or charitable purpose and let at a nominal or concessional rent ; or

(*iii*) to premises held by a public trust for a religious or charitable purpose and administered by a local authority].

[4][(*3*) The [1][State] Government may also by order direct that all or any of the provisions of Part III shall not apply to such hostel or institution or such class of hostels or institutions, subject to such terms and conditions, if any, as may be specified in the order.]

[5][(*4*) (*a*) The expression " premises belonging to the Government or a local authority " in sub-section (*1*) shall, notwithstanding anything contained in the said sub-section or in any judgment, decree or order of a court, not include a building erected on any land held by any person from the Government or a local authority under an agreement, lease or other grant, although having regard to the provisions of such agreement, lease or grant the building so erected may belong or continue to belong to the Government or the local authority, as the case may be ; and

(*b*) notwithstanding anything contained in section 15 such person shall be entitled to create a tenancy in respect of such building or a part thereof.]

Power of State Government to issue orders in respect of premises belonging to local authority.

[6][**4A.** Notwithstanding anything contained in this Act, the State Government may from time to time by a general or special order direct that the exemption granted to a local authority under sub-section (*1*) of section 4 shall be subject to such conditions and terms as it may specify either generally or for special reasons in any particular case and such conditions and terms shall be applicable to the premises belonging to the local authority with effect from such date either before or after the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953, as the State Government may in its discretion determine.] Bom. LXI of 1953.

---

[1] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[2] These words were substituted for the words " shall not apply " by Bom. 53 of 1950, s. 2.

[3] This portion was substituted for the words " to premises used for a public purpose of a charitable nature or to any particular premises or class of premises used for such purpose ", by Bom. 61 of 1953, s. 3.

[4] Sub-section (*3*) was added by Bom. 53 of 1950, s. 3.

[5] Sub-section (*4*) was added by Bom. 4 of 1953, s. 3.

[6] Section 4A was inserted by Bom. 61 of 1953, s. 4.

Definitions.

5. In this Act unless there is anything repugnant to the subject or context—

(*1*) "fair rate" means the rate fixed under section 33 and includes the rate as revised under section 34 ;

(*2*) "hotel or lodging house" means a building or a part of a building where lodging with or without board or other service is [1][by way of business] provided for a monetary consideration ;

(*3*) "landlord" means any persor who is for the time being, receiving, of entitled to receive, rent in respect of any premises whether on his own account or on account, or on behalf, or for the benefit of any other person or as a trustee guardian, or receiver for any other person or who would so receive the rent or be entitled to receive the rent if the premises were let to a tenant ; and includes any person not being a tenant who from time to time derives title under a landlord ; and further includes in respect of his sub-tenant a tenant who has sub-let any premises ;

V of 1908. (*4*) "legal representative" means a legal representative as defined in the Code of Civil Procedure, 1908, and includes also, in the case of joint family property. the joint family of which the deceased person was a member.

(*5*) "manager of a hotel" includes any person in charge of the management of a hotel ;

(*6*) "owner of a lodging house" includes any peson who receives or is entitled to receive, whether on his own account or on behalf of himself and others or as an agent or trustee, any monetary consideration from any person on account of board, lodging or other service ;

(*7*) "permitted increase" means an increase in rent permitted under the provisions of this Act ;

(*8*) "premises" means—

(*a*) any land not being used for agricultural purposes,

(*b*) any building or part of a building let separately (other than a farm building) including—

(*i*) the garden, grounds, garages and out-houses, if any, appurtenant to such building or part of a building,

(*ii*) any furmture supplied by the landlord for use in such building or part of a building,

(*iii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof,

but does not include a room or other accommodation in a hotel or lodging house ;

(*9*) "prescribe" means prescribe by rules and prescribed shall be construed accordingly ;

(*10*) "standard rent" in relation to any premises means—

Bom. XVI 1939. Bom. VII of 1944. (*a*) where the standard rent is fixed by the Court and the Controller respectively under the Bombay Rent Restriction Act, 1939, or the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, such standard rent ; or

[1] These words were inserted by Bom. 61 of 1953, s. 5 (*1*).

(*b*) where the standard rent is not so fixed—

subject to the provisions of section 11,

(*i*) the rent at which the premises were let on the first day of September 1940, or

(*ii*) where they were not let on the first day of September 1940, the rent at which they were last let before that day, or

(*iii*) where they were first let after the first day of September 1940, the rent at which they were first let, or

(*iv*) in any of the cases specified in section 11, the rent fixed by the Court;

(*11*) "tenant" means any person by whom or on whose account rent is payable for any premises and includes—

(*a*) such sub-tenants and other persons as have derived title under a tenant before the coming into operation of this Act,

[1][(*aa*) any person to whom interest in premises has been transferred under the proviso to section 15;]

(*b*) any person remaining, after the determination of the lease, in possession, with or without the assent of the landlord, of the premises leased to such person or his predecessor who has derived title before the coming into operation of this Act,

(*c*) any member of the tenant's family residing with him at the time of his death as may be decided in default of agreement by the Court.

[2][(*12*) "tenement" means a room or group of rooms rented or offered for rent as a unit.]

PART II.

Residential and other premises.

Application.

6. (*1*) In areas specified in Schedule I, this Part shall apply to premises let for residence, education, business, trade [3][or] storage[4]* * *:

[5][Provided that the [6][State] Government may, by notification in the *Official Gazette*, direct that in any of the said areas, this Part shall cease to apply to premises let for any of the said purposes.]

[7][Provided further that the State Government may by like notification direct that in any of the said areas this Part shall re-apply to premises let for such of the aforesaid purposes as may be specified in the notification.]

[8][(*1A*) The [6][State] Government may, by notification in the *Official Gazette*, direct that in any of the said areas this Part shall apply to premises let for any other purpose.]

(*2*) In areas to which this Part is extended under sub-section (*3*) of section 2, it shall apply to premises let for such of the purposes referred to [9][in sub-section (*1*) or notified under sub-section (*1A*)] or let for such standard rent as the [6][State] Government may, by notification in the *Official Gazette*, specify.

---

[1] This sub-clause was inserted by Bom. 61 of 1953, s. 5 (*2*).
[2] Clause (*12*) was added by Bom. 53 of 1950, s. 3.
[3] The word "or" was inserted by Bom. 36 of 1948, s. 2 (*a*).
[4] The words "or any other purpose notified in the *Official Gazette* by the Provincial Government" were deleted, *ibid.*, s. 2 (*a*) (*ii*).
[5] This proviso was added, *ibid*, s. 2 (*b*).
[6] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[7] This proviso was added by Bom. 53 of 1950, s. 4.
[8] This sub-section was inserted by Bom. 36 of 1948, s. 2 (*c*).
[9] These words were substituted for "in, or notified under sub-section (*1*)", *ibid*, s. 2 (*d*).

Rent in excess of standard rent illegal.

7. Except where the rent is liable to periodical increment by virtue of an agreement entered into before the first day of September 1940, it shall not be lawful to claim or receive on account of rent for any premises any increase above the standard rent, unless the landlord was, before the coming into operation of this Act, entitled to recover such increase under the provisions of the Bombay Rent Restriction Act, 1939, or the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, or is entitled to recover such increase under the provisions of this Act.

Bom. XVI of 1939. Bom. VII of 1944.

Cases where rent to be deemed and not to be deemed to be increased.

8. (*1*) Where, as the result of any alteration of the terms of the tenancy, the terms on which any premises are held are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased for the purposes of this Part whether the sum payable as rent is increased or not.

(*2*) Where, as the result of any alteration of the terms of the tenancy, the terms on which any premises are held are not on the whole less favourable to the tenant than the previous terms, the rent shall not be deemed to be increased for the purposes of this Part whether the sum payable as rent is increased or not.

Increase in rent on account of improvements, etc., excepted.

9. A landlord shall be entitled to make such increase in the rent of the premises, as may be reasonable, for an improvement or structural alteration of the premises which has been made with the consent of the tenant given in writing; and such increase shall not be deemed to be an increase for the purposes of section 7.

Explanation.—In this section improvements and alterations do not include the repairs which the landlord is bound to make under sub-section (*1*) of section 23.

Increase in rent on account of payment of rates, etc., excepted.

10. Where a landlord is required to pay to a local authority in respect of any premises any rate, cess or tax imposed or levied for the purposes of such authority, he shall be entitled to make an increase in the rent of the premises by an amount not exceeding the increase paid by him [1][by way of such rate, cess or tax over the amount paid] in the period of assessment which included the date of the coming into operation of this Act [2][or the date on which the premises were first let, whichever is later,] and such increase in rent shall not be deemed to be an increase for the purposes of section 7.

Increase in rent on account of payment of increased rates, etc., after 31st March 1949 not permitted in certain areas.

[3][**10A.** Notwithstanding anything contained in section 10,—

(*1*) if in the City of Bombay the general tax levied under section 143 of the City of Bombay Municipal Act, 1888, or in any other area specified in Schedule III to this Act a rate or tax on buildings, houses or lands or a rate or tax in the form of such rate or tax on buildings, houses or lands levied under the Bombay Municipal Boroughs Act, 1925, or the Bombay District Municipal Act, 1901, or the Cantonments Act, 1924, or the Bombay Village Panchayats Act, 1933, as the case may be, is increased after the 31st day of March 1949, a landlord shall not, in respect of any premises situated in the City of Bombay or in any of the areas specified in the said Schedule, as the case may be, and let on or before the said date, be entitled to make any further increase in the rent of the said premises on account of the payment by him of such increase in the rate or tax;

Bom. III of 1888. Bom. XVIII of 1925. Bom. III of 1901. II of 1924. Bom. VI of 1933.

(*2*) a landlord shall not be entitled to make any increase in the rent of any premises situated in the City of Bombay or in any of the areas specified

[1] These words were substituted for the words " in such rate, cess or tax " by Bom. 36 of 1948, s. 3(*a*).
[2] These words were inserted, *ibid.*, s. 3(*b*).
[3] This section was inserted by Bom. 3 of 1949, s. 2.

in the said Schedule and let after the 31st day of March 1949 on account of the payment by him of any increase in such rate or tax;

(*3*) the [1][State] Government may, by notification published in the *Official Gazette*, direct that in any area other than the City of Bombay or those specified in Schedule III, a landlord shall not be entitled to make any increase in rent in respect of any premises situate in such area on account of the payment by him of an increase in the rate or tax imposed or levied by any local authority for its own purpose on buildings, houses or lands after such date, as may be specified in the notification.]

[2][(*4*) if the general tax levied under section 129 of the Bombay Provincial Municipal Corporations Act, 1949, in respect of any premises in any city exceeds the amount paid by any landlord to any local authority on account of a rate or tax on buildings, houses or lands in respect of such premises for the assessment period which included the 31st March 1949, there shall be deemed to be an increase in such rate or tax for the purpose of this section.] Bom. LIX of 1949.

Increase in rent on account of payment of increased rates etc., permitted after certain date in certain areas.

[3][**10AA.** (*1*) Notwithstanding anything contained in sections 10 and 10A,—

(*a*) if in Greater Bombay the general tax levied under section 143 of the Bombay Municipal Corporation Act, or in the City of Ahmedabad or the City of Poona the general tax levied under section 129 of the Bombay Provincial Municipal Corporations Act, 1949, or in any other area to which clause (*1*) of section 10A applies, a rate or tax on buildings, houses or lands or a rate or tax in the form of such rate or tax on buildings, houses or lands levied under any of the enactments referred to in the said clause (*1*) is increased after the 31st day of March 1949, a landlord, in respect of any premises situated in any of the said areas, and let on or before the said date shall be entitled, after the date of commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953 (hereinafter in this section referred to as the appointed date), to make an increase in the rent of the said premises on account of the payment by him of such increase in the rate or tax; Bom. III of 1888. Bom. LIX of 1949. Bom. LXI of 1953.

(*b*) a landlord shall be entitled, after the appointed date, to make an increase in the rent of any premises situated in any of the said areas and let after the 31st day of March 1949 on account of the payment by him of any increase in such rate or tax;

(*c*) if a notification has been issued under clause (*3*) of section 10A in respect of any area, a landlord shall be entitled, after the appointed date, to make an increase in the rent of any premises situated in such area on account of the payment by him of an increase in the rate or tax imposed or levied by any local authority for its own purpose on buildings, houses or lands, after the date specified in such notification:

Provided that the increase referred to in clauses (*a*), (*b*) and (*c*) above shall not exceed—

(*i*) the difference between the amount of the increase paid by the landlord by way of rate or tax and the amount, if any, by which the Urban Immoveble Property tax is reduced after the 31st day of March 1949; or

(*ii*) five per cent. of the standard rent,

whichever is less.

(*2*) Any increase made under sub-section (*1*) shall not be deemed to be an increase for the purposes of section 7.]

---

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2] This portion was added by Bom. 59 of 1949, s. 491, Appendix III.

[3] Section 10AA was inserted by Bom. 61 of 1953, s. 6.

Proportional recovery of riot tax after certain date permitted.

[1][10B.* (*1*) Notwithstanding anything contained in sections 10 and 10A, where under sub-section (*3*) of section 45 of the City of Bombay Police Act, 1902, the Municipal Commissioner is required to recover any amount of ocmpensation determined under sub-section (*1*) of the said section 45 in respect of any loss or damage caused to any property or in respect of death or grievous hurt caused to any person or persons at any time after the 25th day of September 1945 and an additional sum referred to in sub-section (*2*) of the said section 45 by an addition to the general tax, the landlord from whom such amount of compensation and additional sum, hereinafter called the amount of the riot tax, is recovered in respect of any premises shall be entitled to recover the same from the tenants of the premises, [2][liable to pay the same under sub-section (*3*)] subject to the following conditions, namely :—

Bom. IV of 1902.

(*i*) the amount of the riot tax shall be recoverable from the tenants in not less than four equal instalments ;

(*ii*) if the amount of the riot tax was recovered from the landlord before the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950, such amount shall be recoverable from the tenants within one year from such date ;

Bom. XVI of 1950.

(*iii*) if the amount of the riot tax is recovered from the landlord after the coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950, such amount shall be recoverable from the tenants within one year from the date of the recovery of the riot tax from the landlord ;

Bom. XVI of 1950.

[3][(*iv*) the amount of the riot tax to be recovered from each tenant shall bear the same proportion as the rent payable by him in respect of premises bears to the total amount of rent recoverable for the whole premises it let.]

(*2*) The recovery of any amount made by the landlord from the tenant under this section shall not be deemed to be an increase for the purposes of section 7.

[4][(*3*) A tenant shall be liable to pay the amount of the riot tax if he is or was in occupation of the premises in respect of wnich the riot tax is payable by the landlord, on the date on which the riot took place or if the riot continued after that date during the greater part of the period of such riot. And a landlord of such premises shall be entitled to recover the amount of the riot tax from the tenant who is liable to pay the amount of riot tax under this section, notwithstanding that such tenant is not in occupation of the premises on the date on which such amount is recovered from the landlord by the Municipal Commissioner.

Explanation.—For the purposes of this sub-section, the date on which the riot took place or the period of the riot shall be the date or the period, as the case may be which the State Government may by notification in the *Official Gazette* specify in this behalf.

(*4*) If the amount of the riot tax has already been wholly or partly recovered by a landlord before the date of the coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1950,—

Bom. LIII of 1950.

(*a*) from a tenant who is not liable to pay the same under sub-section (*3*) such tenant shall be entitled to the refund of the whole or part of the amount recovered from him by the landlord or to deduct the same from the amount of the rent due by him to the landlord in respect of the premises,

---

[1] Section 10-B was inserted by Bom. 16 of 1950, s. 2.

*The amendments effected to section 10-B by Bom. 53 of 1950, s. 5, shall be deemed to have come into force with effect from *2-5-1950* (*vide* s. 9 of Bom. 53 of 1950).

[2] These words were inserted by Bom. 53 of 1950, s. 5 (*1*).

[3] Clause (*iv*) was substituted for the original clause (*iv*) and the Explanation, by Bom. 53 of 1950, s. 5(*1*).

[4] Sub-section (*3*) was added, *ibid.*, s. 5 (*2*).

(*b*) from a tenant who is liable to pay the same under sub-section (*3*) and if uch amount,—

(*i*) is greater than the amount which the landlord is entitled to recover from the tenant under sub-section (*3*) the tenant shall be entitled to the refund of or to deduct the excess amount from the rent or from the next instalment of the riot tax, if any, due to the landlord, or

(*ii*) is less than the amount which the landlord is entitled to recover from the tenant under sub-section (*3*), the landlord shall be entitled to recover the difference either by the addition to the rent or to the next instalment of the riot tax, if any, due from the tenant or in any other lawful manner.]

Increase in rent excepted.

[1][**10C.** (*1*) A landlord shall also be entitled to make an increase in the rent of premises referred to in column 1 which were let on or before the first day of September 1940 by an addition to the rent at the rates specified against them in column 2 below :—

1	2
(1) Residential premises the rent of which does not exceed Rs. 20 per month.	Not exceeding 5 per cent. of the standard rent.
(2) Residential premises the rent of which exceeds Rs. 20 per month but does not exceed Rs. 80 per month.	Not exceeding 7½ per cent. of the standard rent.
(3) Residential premises the rent of which exceeds Rs. 80 per month.	Not exceeding 10 per cent. of the standard rent.
(4) Non-residential premises other than those specified in items (5) and (6) below :—	
(*a*) the rent of which does not exceed Rs. 50 per month.	Not exceeding 7½ per cent. of the standard rent.
(*b*) the rent of which exceeds Rs. 50 per month.	Not exceeding 12½ per cent. of the standard rent.
[2][(5) Premises interest in which is transferred under the proviso to section 15 on or after the date of the coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953, as incidental to the sale of a business together with the stock-in-trade and goodwill thereof.]	Not exceeding 25 per cent. of the standard rent.
(6) Premises used for the purposes of a cinema.	Not exceeding 50 per cent. of the standard rent.

Bom. LXI of 1953.

(*2*) Any increase under sub-section (*1*) shall not be deemed to be an increase for the purposes of section 7.

(*3*) Nothing contained in sub-sections (*1*) and (*2*) shall apply to premises to which this Part has been applied in the areas of the merged territories of the former State of Baroda to which this Part has been extended.

Explanation.—For the purposes of sub-section (*1*), the expression "premises" shall have the same meaning as is assigned to it in sub-clause (*b*) of clause (*8*) of section 5.]

---

[1] Sections 10C and 10D were inserted by Bom. 61 of 1953, s. 7.

[2] This clause was substituted for the original by Bom. 46 of 1954, s. 2.

[1][**10D.** (*1*) Subject to the provisions of sub-sections (*2*) and (*5*) and notwithstanding anything contained in section 9, a landlord shall further be entitled to make an increase in the rent of premises by an addition to the rent, in the manner prescribed, of an amount not exceeding five per cent. per annum of the expenses incurred on account of special or heavy repairs or special additions to premises or special alterations made therein or additional amenities provided for the premises or on account of improvements or structural alterations made under section 9 : Increase in rent on account of repairs excepted.

Provided that the increase permitted by this sub-section shall not, in respect of improvements or structural alterations, be in addition to the increase already made under section 9 and shall after the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953, be in substitution of the reasonable increase permitted under that section, notwithstanding anything contained therein.

Bom. LXI of 1953.

(*2*) Before making any increase under sub-section (*1*), the landlord shall obtain a certificate from the local authority that he was required by it to make or to provide such repairs, additions, alterations, improvements or amenities and has completed them in conformity with its requirements or shall obtain the consent in writing of the tenant or of majority of tenants occupying the premises in the building.

(*3*) Any increase under sub-section (*1*) shall not be deemed to be an increase for the purposes of section 7.

(*4*) If a landlord, when required by a local authority to execute the work of any such repairs, additions, improvements, alterations, or amenities, fails to do so, the tenant or the tenants interested in such work may seek the approval of the local authority for executing such work. The local authority shall grant the approval unless other measures are taken by it to execute the said work. While granting the approval, the local authority shall specify the nature of the work and the estimated cost thereof which shall for all purposes be binding on the landlord. Upon such approval being granted, the tenants shall be entitled to execute the said work and to deduct the amount of the expenses thereof from the rent which from time to time becomes due by them to the landlord or otherwise recover such amount from him :

Provided that where such work is jointly executed by the tenants the amount to be deducted or recovered by each tenant shall bear the same proportion as the rent payable by him in respect of his premises bears to the total amount of the expenses incurred for such work :

Provided further that the total amount so deducted or recoverable shall not exceed the estimated cost specified by the local authority.

(*5*) In respect of any work executed by the tenants under sub-section (*4*) the landlord shall not be entitled to make the increase permitted under sub-section (*1*).

Explanation.—For the purposes of this section, the expression "local authority" shall include the Municipal Commissioner.]

11. (*1*) In any of the following cases the Court may, upon an application made to it for that purpose, or in any suit or proceeding, fix the standard rent at such amount as, having regard, to the provisions of this Act and the circumstances of the case, the Court deems just— Court may fix standard rent and permitted increases in certain cases.

(*a*) where any premises are first let after the first day of September 1940, and the rent at which they are so let is in the opinion of the Court excessive ; or

[1] Section 10D was inserted by Bom. 61 of 1953, s. 7.

(*b*) where the Court is satisfied that there is no sufficient evidence to ascertain the rent at which the premises were let in any one of the cases mentioned sub-clauses (*i*) to (*iii*) of clause (*b*) of sub-section (*10*) of section 5 ; or

(*c*) where by reason of the premises having been let at one time as a whole or in parts and at another time in parts or as a whole, or for any other reasons, any difficulty arises in giving effect to this Part ; or

(*d*) where any premises have been or are let rent-fee or at a nominal rent or for some consideration in addition to rent ; or

(*e*) where there is any dispute between the landlord and the tenant regarding the amount of standard rent.

(*2*) If there is any dispute between the landlord and the tenant regarding the amount of permitted increases the Court may determine such amount.

(*3*) If an application for fixing the standard rent or for determining the permitted increases is made by a tenant who has received a notice from his landlord under sub-section (*2*) of section 12, the Court shall forthwith make an order specifying the amount of rent or permitted increases to be paid by the tenant pending the final decision of the application, and a copy of such order shall be served upon the landlord.

No ejectment ordinarily to be made if tenant pays or is ready and willing to pay standard rent and Permitted increases.

12. (*1*) A landlord shall not be entitled to the recovery of possession of any premises so long as the tenant pays, or is ready and willing to pay, the amount of the standard rent and permitted increases, if any, and observes and performs the other conditions of the tenancy, in so far as they are consistent with the provisions of this Act.

(*2*) No suit for recovery of possession shall be instituted by a landlord against a tenant on the ground of non-payment of the standard rent or permitted increases due, until the expiration of one month next after notice in writing of the demand of the standard rent or permitted increases has been served upon the tenant in the manner provided in section 106 of the Transfer of Property Act, 1882. IV of 1882.

[1][(*3*) (*a*) Where the rent is payable by the month and there is no dispute regarding the amount of standard rent or permitted increases, if such rent or increases are in arrears for a period of six months or more and the tenant neglects to make payment thereof until the expiration of the period of one month after notice referred to in sub-section (*2*), the Court may pass a decree for eviction in any such suit for recovery of possession.

(*b*) In any other case, no decree for eviction shall be passed in any such suit if, on the first day of hearing of the suit or on or before such other date as the Court may fix, the tenant pays or tenders in Court the standard rent and permitted increases then due and thereafter continues to pay or tender in Court regularly such rent and permitted increases till the suit is finally decided and also pays costs of the suit as directed by the Court.]

[2][(*4*) Pending the disposal of any such suit, the Court may out of any amount paid or tendered by the tenant pay to the landlord such amount towards payment of rent or permitted increases due to him as the Court thinks fit.]

---

[1] This sub-section was substituted for the original by Bom. 61 of 1953, s.8 (*1*).
[2] Sub-section (*4*) was inserted, *ibid*, s. 8 (*2*).

Explanation.—In any case where there is a dispute as to the amount of standard rent or permitted increases recoverable under this Act the tenant shall be deemed to be ready and willing to pay such amount if, before the expiry of the period of one month after notice referred to in sub-section (*2*), he makes an application to the Court under sub-section (*3*) of section 11 and thereafter pays or tenders the amount of rent or permitted increases specified in the order made by the Court.

When landlord may recover possession.

13. (*1*) Notwithstanding anything contained in this Act [1][but subject to the provisions of section 15], a landlord shall be entitled to recover possession of any premises if the Court is satisfied—

IV of 1882. (*a*) that the tenant has committed any act contrary to the provisions of clause (*o*) of section 108 of the Transfer of Property Act, 1882 ; or

(*b*) that the tenant has, without the landlord's consent given in writing, erected on the premises any permanent structure ; or

(*c*) that the tenant or any person residing with the tenant has been guilty of conduct which is a nuisance or annoyance to the adjoining or neighbouring occupiers, or has been convicted of using the premises or allowing the premises to be used for immoral or illegal purposes ; or

(*d*) that the tenant has given notice to quit and in consequence of that notice the landlord has contracted to sell or let the premises or has taken any other steps, as a result of which he would, in the opinion of the Court, be seriously prejudiced if he could not obtain possession of the premises ; or

(*e*) that the tenant has, since the coming into operation of this Act, sub-let the whole or part of the premises or assigned or transferred in any other manner his interest therein ; or

(*f*) that the premises were let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and that the tenant has ceased, whether before or after the coming into operation of this Act, to be in such service or employment ; or

(*g*) that the premises are reasonably and *bona fide* required by the landlord for occupation by himself or by any person for whose benefit the premises are held [2][or where the landlord is a trustee of a public charitable trust that the premises are required for occupation for the purposes of the trust] ; or

(*h*) that the premises are reasonably and *bona fide* required by the landlord for carrying out repairs which cannot be carried out without the premises being vacated ; or

[3][(*hh*) that the premises consist of not more than two floors and are reasonably and *bona fide* required by the landlord for the immediate purpose of demolishing them and such demolition is to be made for the purpose of erecting new building on the premises sought to be demolished ; or]

[4][(*hhh*) that the premises are required for the immediate purpose of demolition ordered by any local authority or other competent authority ; or]

(*i*) that where the premises are land, such land is reasonably and *bona fide* required by the landlord for the erection of a new[5]** building ; or

---

[1] These words and figures were inserted by Bom. 3 of 1949, s. 3.
[2] These words were inserted by Bom. 61 of 1953, s. 9 (*1*) (*a*).
[3] Clause (*hh*) was inserted by Bom. 53 of 1950, s. 6 (*1*).
[4] This clause was inserted by Bom. 61 of 1953, s. 9 (*1*) (*b*).
[5] The word 'residential' was deleted, *ibid*, s. 9 (*1*) (*c*).

[1][(*ii*) that where the premises are land in the nature of garden or grounds appurtenant to a building or part of a building, such land is required by the landlord for the erection of a new residential building which a local authority has approved or permitted him to build thereon ;]

(*j*) that the rent charged by the tenant for the premises or any part thereof which are sub-let before the coming into operation of this Act is in excess of the standard rent and permitted increases in respect of such premises or part or that the tenant has received any fine, premium, other like sum or consideration in respect of such premises or part ; or

(*k*) that the premises have not been used without reasonable cause for the purpose for which they were let for a continuous period of six months immediately preceding the date of the suit ; or

(*l*) that the tenant after the coming into operation of this Act has built, acquired vacant possession of or been allotted a suitable residence.

(*2*) No decree for eviction shall be passed on the ground specified in clause (*g*) of sub-section (*1*) if the Court is satisfied that, having regard to all the circumstances of the case including the question whether other reasonable accommodation is available for the landlord or the tenant greater hardship would be caused by passing the decree than by refusing to pass it.

Whereas the Court is satisfied that no hardship would be caused either to the tenant or to the landlord by passing the decree in respect of a part of the premises, the Court shall pass the decree in respect of such part only.

Explanation.— For the purposes of clause (*g*) of sub-section (*1*)—

[2]* * * * * *

(*b*) the expression "landlord" shall not include a rent-farmer or rent-collector or estate-manager :

[3]* * * * * *

(*3*) The Court may pass the decree on the ground specified in clause (*h*) or (*i*) of sub-section (*1*) only in respect of a part of the premises which in its opinion it is necessary to vacate for carrying out the work of repairs or erection.

[4][(*3A*) No decree for eviction shall be passed on the ground specified in clause (*hh*) of sub-section (*1*), unless the landlord produces at the time of the institution of the suit a certificate granted by the Tribunal under sub-section (*3B*) and gives an undertaking—

(*a*) that the new building to be erected by him shall [5][,subject to the provisions of any rules, by-laws or regulations made by a local authority,] contain not less than [6][two] times the number of residential tenements, and not less than [6][two] times the floor area, contained in the premises sought to be demolished ;

(*b*) that the work of demolishing the premises shall be commenced by him not later than one month, and shall be completed not later than three months, from the date he recovers possession of the entire premises ; and

(*c*) that the work of erection of the new building shall be completed by him not later than fifteen months from the said date.

---

[1] This clause was inserted by Bom. 61 of 1953, s. 9 (*1*) (*d*).
[2] Clause (*a*) was deleted by *ibid* s. 9 (*2*).
[3] The proviso was deleted, *ibid*.
[4] Sub-sections (*3-A*) and (*3B*) were inserted, by Bom. 53 of 1950, s. 6 (*3*).
[5] These words were inserted by Bom. 61 of 1953, s. 9 (*3*) (*i*).
[6] This word was substituted for the word "three", *ibid*, s. 9 (*3*) (*ii*).

(*3B*) (*a*) For the purposes of sub-section (*3A*), the State Government may from time to time constitute a Tribunal consisting of such persons and for such local area as it thinks fit.

(*b*) The Tribunal constituted under clause (*a*) may grant a certificate after being satisfied that—

(*i*) the plans and estimates for the new building have been properly prepared ;

[1]* * * * * * *

(*iii*) the necessary funds for the purpose of the erection of the new building are available with the landlord ; and

(*iv*) such other conditions as the State Government may by general or special order specify, have been satisfied.

(*c*) The proceedings before the Tribunal shall be in the manner as may be prescribed by rules made by the State Government in this behalf.]

(*4*) For the purposes of clause (*j*) of sub-section (*1*) the standard rent or permitted increases in respect of the part sub-let shall be the amounts bearing such proportion to the standard rent or permitted increases in respect of the premises as may be reasonable having regard to the extent of the part sub-let and other relevant considerations.

Sub-tenant to become tenant on determination of tenancy.

14. Where the interest of a tenant of any premises is determined for any reason, any sub-tenant to whom the premises or any part thereof have been lawfully sub-let before the coming into operation of this Act shall, subject to the provisions of this Act, be deemed to become the tenant of the landlord on the same terms and conditions as he would have held from the tenant if the tenancy had continued.

Tenant not to sub-let or transfer after this Act.

15. Notwithstanding anything contained in any law, it shall not be lawful after the coming into operation of this Act for any tenant to sub-let the whole or any part of the premises let to him or to assign or transfer in any other manner his interest therein :

[2][Provided that the [3][State] Government may, by notification in the *Official Gazette*, permit in any area the transfer of interest in premises held under such leases or class of leases and to such extent as may be specified in the notification.]

Recovery of possession for repairs and re-entry.

16. (*1*) The Court shall when passing a decree on the ground specified in clause (*h*) of sub-section (*1*) of section 13 ascertain from the tenant whether he elects to be placed in occupation of the premises or part thereof from which he is to be evicted and, if the tenant so elects, shall record the fact of the election in the decree and specify in the decree the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs.

[4][(*2*) If the tenant delivers possession on or before the date specified in the decree the landlord shall, two months before the date on which the work of repairs is likely to be completed, give notice to the tenant of the date on which the said work shall be completed. Within fifteen days from the date of receipt of such notice, the tenant shall intimate to the landlord his acceptance of the

[1] Sub-clause (*ii*) was deleted, by Bom. 61 of 1953, s. 9 (*1*).
[2] This proviso was substituted for the original by Bom. 36 of 1948, s. 4.
[3] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
[4] Sub-section (*2*) was substituted for the original by Bom. 61 of 1953, s. 10.

accommodation offered and deposit with the landlord rent for one month. If the tenant gives such intimation and makes the deposit, the landlord shall, on completion of the work of repairs, place the tenant in occupation of the premises or part thereof on the original terms and conditions. If the tenant fails to give such intimation and to make the deposit, the tenant's right to occupy the premises shall terminate].

(*3*) If, after the tenant has delivered possession on or before the date specified in the decree, the landlord fails to commence the work of repairs within one month of the specified date or fails to complete the work within a reasonable time or having completed the work fails to place the tenant in occupation of the premises in accordance with sub-section (*2*), the Court may, on the application of the tenant made within one year of the spec fied date, order the landlord to place him in occupation of the premises or part thereof on the original terms and conditions; and on such order being made the landlord and any person who may be in occupation shall give vacant possession to the tenant of the premises or part thereof.

(*4*) Any landlord who, when the tenant has vacated by the date specified in the decree, without reasonable excuse fails to commence the work of repairs and any landlord or other person in occupation of the premises who fails to comply with the order made by the Court under sub-section (*3*), shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine or with both.

Recovery of possession for occupation, etc., and re-entry.

17. (*1*) Where a decree for eviction has been passed by the Court on the ground spec fied in clause (*g*) or (*i*) of sub-section (*1*) of section 13 and the premises are not occupied or the work of erection is not commenced within a period of one month from the date the landlord recovers possession or the premises are re-let within one year of the said date to any person other than the orig nal tenant, the Court may, on the application of the original tenant made within thirteen months of such date order the landlord to place in occupation of the premises on the originan terms and conditions, and, on such order being made, the landlord and any person who may be in occupation of the premises shall give vacant possession to the original tenant.

(*2*) Any landlord who recovers possession on the ground specified in clause (*g*) or (*i*) of sub-section (*1*) of section 13 and keeps the premises unoccupied or does not commence the work of erection without reasonable excuse within the period of one month from the date he recovered possession and any landlord or other person in occupation of the premises who fails to comply with the order of the Court under sub-section (*1*) shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine or with both.

Recovery of possession for demolishing building.

[1][**17A.** (*1*) Where a decree for eviction has been passed by the Court on the ground specified in clause (*hh*) of sub-section (*1*) of section 13 and the work of demolishing the premises has not been commenced by the landlord within the period specified in clause (*b*) of sub-section (*3A*) of the said section, the tenant may give the landlord a notice of his intention to occupy the premises from which he has been evicted and if the landlord does not forthwith deliver to him the vacant possession of the premises on the same terms and conditions on which he occupied them immediately before the eviction, the tenant may make an application to the Court within six weeks of the date on which he delivered vacant possession of the premises to the landlord.

[1] Section 17A, was inserted by Bom. 53 of 1950, s. 7.

(*2*) If the Court is satisfied that the landlord has not substantially commenced the work of demolishing the premises within the period of one month in accordance with his undertaking, the Court shall order the landlord to deliver to the tenant vacant possession of the premises on the terms and conditions on which he occupied them immediately before the eviction. On such order being made the landlord shall forthwith deliver vacant possession of the premises to the tenant. Such order shall be deemed to be an order within the meaning of clause (*14*) of section 2 of the Code of Civil Procedure, 1908. V of 1908.

(*3*) Any landlord who recovers possession on the ground specified in clause (*hh*) of sub-section (*1*) of section 13, and fails to carry out any undertaking referred to in clause (*a*), (*b*) or (*c*) of sub-section (*3A*) of the said section without any reasonable excuse or fails to comply with the order of the Court under sub-section (*1*) shall, without prejudice to his liability in execution of the order under sub-section (*2*), on conviction be punishable with imprisonment for a term which may extend to three months or with fine or with both.]

Tenant's right to give notice to landlord of his intention to occupy tenement in new building.

[1][**17B.** Where a decree for eviction has been passed by the Court on the ground specified in clause (*hh*) of sub-section (*1*) of section 13 and the work of demolishing the premises and of the erection of a new building has been commenced by the landlord, the tenant may, within six months from the date on which he delivered vacant possession of the premises to the landlord, give notice to the landlord of his intention to occupy a tenement in the new building on its completion on the following conditions, namely :—

(*a*) that he shall pay to the landlord the standard rent in respect of the tenement :

Provided that, in respect of a residential tenement, the tenant concerned shall not be required to pay rent in relation to the area at more than double the rate at which he paid rent for his former premises, immediately before his eviction under the decree [2][, unless the landlord obtains an order of the Court fixing the standard rent in respect of the tenement at a higher rate.]

(*b*) that his occupation of the tenement shall, save as provided in condition (*a*) above, be on the same terms and conditions as the terms and conditions on which he occupied the premises immediately before the eviction.]

Landlord to intimate to tenant date of completion and tenant's right to occupy tenement in new building.

[1][**17C.** (*1*) On receipt of notice from the tenant under section 17B, the landlord shall, not less than three months before the date on which the erection of the new building is likely to be completed, intimate to the tenant the date on which the said erection shall be completed. On the said date the tenant shall be entitled to occupy the tenement.

(*2*) (*a*) If the tenant fails to occupy the tenement within a period of one month from the date on which he is entitled to occupy it under sub-section (*1*), the tenant's right to occupy the said tenement under the said sub-section shall terminate and the landlord shall be entitled to recover from the tenant a sum equal to three times the amount of the monthly standard rent in respect of the tenement.

(*b*) If the landlord fails, without reasonable excuse, to comply with the provisions of sub-section (*1*) or to place the tenant in occupation of the tenement he shall, without prejudice to his liability to place the tenant in vacant possession of the tenement, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine or with both.]

[1] Sections 17B and 17C were inserted by Bom. 53 of 1950, s. 7.
[2] This portion was added by Bom. 61 of 1953, s. 11.

Unlawful charges by landlord.

18. (*1*) If any landlord either himself or through any person acting or purporting to act on his behalf or if any person acting or purporting to act on behalf of the landlord receives any fine, premium or other like sum or deposit or any consideration other than the standard rent or the permitted increases, in respect of the grant, renewal or continuance of a lease of any premises, or for giving his consent to the transfer of a lease by sub-lease or otherwise, such landlord or person shall, on conviction, be punished with imprisonment for a term which may extend to six months and shall also be punished with fine which shall not be less than the amount of the fine, premium or sum or deposit or the value of the consideration received by him, and further where the offence is committed by a landlord in respect of premises which were of his ownership on the date of the offence such premises shall be liable to confiscation.

(*2*) Where any fine, premium or other like sum or deposit or any consideration referred to in sub-section (*1*) is paid by any person, the amount or value thereof shall be recoverable by him from the landlord to whom it was paid or on whose behalf it was received or from his legal representative at any time within a period of six months from the date of payment and may, if such person is a tenant, without prejudice to any other remedy for recovery, be deducted by him from any rent payable by him to such landlord.

(*3*) Nothing in this section shall apply to any payment made under any agreement entered into before the first day of September 1940 [1][or to any payment made by any person to a landlord by way of a loan, for the purpose of financing the erection of the whole or part of a residential building or a residential section of a building on the land held by him as an owner, a lessee or in any other capacity, entitling him to build on such land, under an agreement which shall be in writing and shall, notwithstanding anything contained in the Indian Registration Act, 1908, be registered. Such agreement shall *inter alia* include the following conditions, namely :— XVI of 1908.

(*i*) that the landlord is to let to such person the whole or part of the building when completed for the use of such person or any member of his family ;

(*ii*) that the rate of interest on such loan shall not be less than four per cent. per annum ;

(*iii*) that such loan shall be repayable by the landlord within a period of ten years from the date of the execution of the agreement or within a period of six months from the date of the termination of the tenancy by the landlord, whichever period expires earlier ;

(*iv*) that the amount of the loan shall be a charge on the entire building and the entire interest of the landlord in the land on which such building is erected :

Provided that if the loan has been advanced by more than one person, all such persons shall, notwithstanding anything contained in any law for the time being in force, be entitled to a charge on the entire building and the entire interest of the landlord in such land rateably according to the amount of the loan advanced by each of such persons ;

(*v*) that the landlord shall use the amount of the loan for the purpose of erecting the whole or part, as the case may be, of the residential building and for no other purpose ; and

[1] This portion was added by Bom. 42 of 1951, s. 2 (*1*).

(*vi*) (*a*) that the erection of the building shall be completed within a period of two years from the date of the execution of the agreement or if the agreements executed are more than one, from the date of the execution of the first of such agreements :

Provided that the said period of two years may be extended to a further period not exceeding one year with the sanction of the Collector ;

(*b*) that if the erection of the building is not completed within the period of two years or within the extended period specified in the proviso to clause (*a*), the loan shall be repayable forthwith to the person advancing the same with interest at the rate of four per cent. per annum.]

[1][(*4*) If any landlord who has received a loan under an agreement in accordance with the provisions of sub-section (*3*), contravenes, without any reasonable excuse any of the conditions specified in the said sub-section (*3*), such landlord shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.]

[2]*Explanation I*—For the purposes of sub-section (*1*)—

(*a*) [3][except as provided in sub-section (*3*)] receipt of rent in advance for more than three months in respect of premises let for the purpose of residence, or

(*b*) where any furniture or other article is sold by the landlord to the tenant either before or after the creation of tenancy of any premises, the excess of the price received over the reasonable price of the furniture or article,

shall be deemed to be a fine or premium or consideration.

[4][*Explanation II.*—For the purposes of sub-section (*3*), "member of the family" means in the case of an undivided Hindu family any member of such family and in the case of any other family the husband, wife, son, daughter, father, mother, brother, sister or any other relative of the person permanently residing and boarding with him.]

19. (*1*) [5][Save in cases provided for under the proviso to section 15,] it shall not be lawful for the tenant or any person acting or purporting to act on behalf of the tenant to claim or receive any sum or any consideration as a condition of the relinquishment [6][,transfer or assignment] of his tenancy of any premises. **Unlawful charges by tenant.**

(*2*) Any tenant or person who in contravention of the provisions of sub-section (*1*) receives any sum or consideration shall, on conviction, be punished with imprisonment for a term which may extend to six months and shall also be punished with fine which shall not be less than the sum or the value of the consideration received by him.

20. Any amount paid on account of rent after the date of the coming into operation of this Act shall, except in so far as payment thereof is in accordance with the provisions of this Act, be recoverable by the tenant from the landlord to whom it was paid or on whose behalf it was received or from his legal representative at any time within a period of six months from the date of payment and may, without prejudice to any other remedy for recovery, be deducted by such tenant from any rent payable by him to such landlord. **Recovery of amounts paid not in accordance with Act.**

---

[1] This sub-section was inserted, by Bom. 42 of 1951, s. 2 (*2*).
[2] This explanation was numbered as Explanation I, *ibid*, s. 2 (*1*).
[3] This portion was inserted, *ibid*, s. 2 (*3*).
[4] This Explanation was added, *ibid*, s. 2 (*4*).
[5] These words and figures were inserted by Bom. 61 of 1953, s. 12 (*1*).
[6] These words were inserted, *ibid*, s. 12 (*2*).

Landlord to furnish particulars of rent, etc., to tenant.

21. (*1*) Every landlord shall, upon a notice served upon him by the tenant by post or in any other manner, furnish to such tenant within one month of the receipt of such notice a statement giving full particulars of the amount of standard rent of the premises or part thereof let to such tenant and of the permitted increases.

(*2*) Any landlord who fails to furnish such statement or any landlord or his agent who intentionally furnishes a statement which is false in any material particular [1][shall, on conviction, be punished] with fine which may extend to one thousand rupees.

Particulars to be furnished by tenant of tenancy sub-let or transferred before this Act.

22. (*1*) Every tenant who, before the date of the coming into operation of this Act, has, without the consent of the landlord given in writing, sub-let the whole or any part of the premises let to him or assigned or transferred in any other manner his interest therein, and every sub-tenant to whom the premises are so sub-let or the assignement or transfer is so made shall furnish to the landlord, within a month of the receipt of a notice served upon him by the landlord by post or in any other manner a statement in writing signed by him giving full particulars of such sub-letting, assignment or transfer including the rent charged or paid by him.

(*2*) Any tenant or sub-tenant who fails to furnish such statement or intentionally furnishes a statement which is false in any material particular [2][shall, on conviction, be punished] with fine which may extend to one thousand rupees.

Landlord's duty to keep premises in good repair.

23. (*1*) Notwithstanding anything contained in any law for the time being in force and in the absence of an agreement to the contrary by the tenant, every landlord shall be bound to keep the premises in good and tenantable repair.

[3][(*2*) If the landlord neglects to make any repairs, which he is bound to make under sub-section (*1*), within a reasonable time after a notice is served upon him by post or in any other manner by a tenant or jointly by tenants interested in such repairs, such tenant or tenants may themselves make the same and deduct the expenses of such repairs from the rent or otherwise recover them from the landlord ;

Provided that where the repairs are jointly made by the tenants the amount to be deducted or recovered by each tenant shall bear the same proportion as the rent payable by him in respect of his premises bears to the total amount of the expenses incurred for such repairs :

Provided further that the amount so deducted or recoverable in any year shall not exceed one-sixth of the rent payable by the tenant for that year.

(*3*) For the purpose of calculating the expenses of the repairs made under sub-section (*2*), the accounts together with the vouchers maintained by the tenants shall be conclusive evidence of such expenditure and shall be binding on the landlord.]

Landlord not to cut off or withhold essential supply or service.

24. (*1*) No landlord either himself or through any person acting or purporting to act on his behalf shall without just or sufficient cause cut off or withhold any essential supply or service enjoyed by the tenant in respect of the premises let to him.

(*2*) A tenant in occupation of the premises may, if the landlord has contravened the provisions of sub-section (*1*), make an application to the Court for a direction to restore such supply or service.

---

[1] These words were substituted for the words "shall be punishable", by Bom. 61 of 1953, s. 13.
[2] These words were substituted for the words "shall be punishable", *ibid*, s. 14.
[3] This portion was substituted for the original sub-section (*2*) *ibid*, s. 15.

(*3*) If the Court on inquiry finds that the tenant has been in enjoyment of the essential supply or service and that it was cut off or withheld by the landlord without just or sufficient cause, the Court shall make an order directing the landlord to restore such supply or service before a date to be specified in the order. Any landlord who fails to restore the supply or service before the date so specified shall for each day during which the default continues thereafter be liable [1][upon a further direction by the Court to that effect] to fine which may extend to one hundred rupees.

(*4*) Any landlord, who contravenes the provisions of sub-section (*1*) shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine or with both.

Explanation [2][*I*].—In this section essential supply or service includes supply of water, electricity, lights in passages and on stair-cases, lifts and conservancy or santitary service.

[3][*Explanation II*.—For the purposes of this section, withholding any essential supply or service shall include acts or omissions attributable to the landlord on account of which the essential supply or service is cut off by the local authority or any other competent authority.]

Conversion of residential into non-residential premises prohibited.

25. (*1*) A landlord shall not use or permit to be used for a non-residential purpose any premises which on the date of the coming into operation of this Act were used for a residential purpose.

(*2*) Any landlord who contravenes the provisions of sub-section (*1*) shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine or with both.

Giving receipt for [5][any amount received] compulsory.

26. (*1*) Every landlord shall give a written receipt for any amount [4][at the time when such amount is] received by him in respect of any premises in such form and in such manner as may be prescribed.

(*2*) Any landlord or person who fails to give a written receipt for any amount received by him in respect of any premises shall, on conviction, be punishable with fine which may extend to one hundred rupees.

Recovery of rent according to British calendar.

27. (*1*) Notwithstanding anything contained in any law for the time being in force or any contract, custom or local usage to the contrary, rent payable by the month or year or portion of a year shall be recovered according to the British calendar.

(*2*) The [6][State] Government may prescribe the manner in which rent recoverable according to any other calendar before the coming into operation of this Act shall be calculated and charged in terms of the British Calendar.

---

[1] These words were inserted by Bom. 61 of 1953, s. 16 (*1*).
[2] This Explanation was numbered as Explanation I, *ibid*, s. 16 (*2*).
[3] Explanation II was added, *ibid*, s. 16 (*2*).
[4] These words were inserted by Bom. 53 of 1949, s. 3, Second Schedule.
[5] These words were substituted for the word "rent", *ibid*.
[6] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Jurisdiction of courts.

28. [1][(*1*) Notwithstanding anything contained in any law and notwithstanding that by reason of the amount of the claim or for any other reason, the suit or proceeding would not, but for this provision, be within its jurisdiction,

(*a*) in Greater Bombay, the Court of Small Causes, Bombay, [2]*

[3][(*aa*) in any area for which, a Court of Small Causes is established under the Provincial Small Cause Courts Act, 1887, such Court and] IX of 1887.

(*b*) elsewhere, the Court of the Civil Judge (Junior Division) having jurisdiction in the area in which the premises are situate or, if there is no such Civil Judge, the Court of the Civil Judge (Senior Division) having ordinary jurisdiction,

shall have jurisdiction to entertain and try any suit or proceeding between a landlord and a tenant relating to the recovery of rent or possession of any premises to which any of the provisions of this Part apply and to decide any application made under this Act and to deal with any claim or question arising out of this Act or any of its provisions and [4][subject to the provisions of sub-section (*2*),] no other court shall have jurisdiction to entertain any such suit, proceeding or application or to deal with such claim or question.

[5][(*2*) (*a*) Notwithstanding anything contained in clause (*aa*) of sub-section (*1*), the District Court may at any stage withdraw any such suit, proceeding or application pending in a Court of Small Causes established for any area under the Provincial Small Cause Courts Act, 1887, and transfer the same for trial or disposal to the Court of the Civil Judge (Senior Division) having ordinary jurisdiction in such area. IX of 1887.

(*b*) Where any suit, proceeding or application has been withdrawn under clause (*a*), the Court of the Civil Judge (Senior Division) which thereafter tries such suit, proceeding or application, as the case may be, may either re-try it or proceed from the stage at which it was withdrawn.

(*c*) The Court of the Civil Judge trying any suit, proceeding or application withdrawn under clause (*a*) from the Court of Small Causes shall, for purposes of such suit, proceeding or application, as the case may be, be deemed to be the Court of Small Causes.]

Explanation.—In this section "proceeding" does not include an execution proceeding arising out of a decree passed before the coming into operation of this Act.

Appeal.

29. (*1*) Notwithstanding anything contained in any law, an appeal shall lie—

(*a*) in Greater Bombay, from a decree or order made by the Court of Small Causes, Bombay, exercising jurisdiction under section 28, to a bench of two judges of the said Court which shall not include the Judge who made such decree or order;

(*b*) elsewhere, from a decree or order made by [6][a Judge of the Court of Small Causes established under the Provincial Small Cause Courts Act, 1887, [7][or by the Court of the Civil Judge deemed to be the Court of Small Causes under clause (*c*) of sub-section (*2*) of section 28] or by] a Civil Judge exercising such jurisdiction, to the District Court. IX of 1887.

---

[1] Section 28 except the explanation to the said section was renumbered as sub-section (*1*) of that section by Bom. 15 of 1952, s. 2 (*1*).

[2] The word "and" was deleted by Bom. 58 of 1949, s. 4 (*1*).

[3] This clause was inserted, *ibid*, s. 4 (*2*).

[4] This portion was inserted by Bom. 15 of 1952, s. 2 (*2*).

[5] Sub-section (*2*) was inserted, *ibid*, s. 2 (*3*).

[6] These words and figures were inserted by Bom. 58 of 1949, s. 5.

[7] This portion was inserted by Bom. 15 of 1952, s. 3.

[1][Provided that no such appeal shall lie from—

V of 1908. (I) a decree or order made in any suit or proceeding in respect of which no appeal lies under the Code of Civil Procedure, 1908 ;

(II) a decree or order made in any suit or proceeding (other than a suit or proceeding relating to possession) in which the plaintiff seeks to recover rent and the amount or value of the subject matter of which does not exceed—

(*i*) where such suit or proceeding is instituted in Greater Bombay, Rs. 3,000 and

(*ii*) where such suit or proceeding is instituted elsewhere, the amount up to which the Judge or Court specified in clause (*b*) is invested with jurisdiction of a Court of Small Causes, under any law for the time being in force ;

(III) an order made upon an application for fixing the standard rent or for determining the permitted increases in respect of any premises except in a suit or proceeding in which an appeal lies ;

(IV) an order made upon an application by a tenant for a direction to restore any essential supply or service in respect of the premises let to him.]

[2][(*1A*) Every appeal under sub-section (*1*) shall be made within thirty days from the date of the decree or order, as the case may be :

Provided that in computing the period of limitation prescribed by this sub-section IX of 1908. the provisions contained in sections 4, 5 and 12 of the Indian Limitation Act, 1908, shall, so far as may be, apply.]

(*2*) No further appeal shall lie against any decision in appeal under sub-section (*1*).

[3][(*3*) Where no appeal lies under this section from a decree or order in any suit or proceeding in Greater Bombay the bench of two judges specified in clause (*a*) of sub-section (*1*) and elsewhere the District Court, may for the purpose of satisfying itself that the decree or order made was according to law, call for the case in which such decree or order was made and pass such order with respect thereto as it thinks fit.]

[4][**29A.** Nothing contained in section 28 or 29 shall be deemed to bar a party to a suit, proceeding or appeal mentioned therein in which a question of title to premises arises and is determined, from suing in a competent court to establish his title to such premises.] Saving of suits involving title.

30. If the court finds that any suit, proceeding or application instituted or made before it is not instituted, or made *bona fide* or is false, frivolous or vexatious, the court may, after hearing the plaintiff or applicant and for reasons to be recorded, order that compensation, not exceeding one thousand rupees, be paid by such plaintiff or applicant to the defendant or opponent, as the case may be. Compensation in respect of proceedings which are not *bona fide* or are false, frivolous or vexatious.

31. The courts specified in sections 28 and 29 shall allow the prescribed procedure in trying and hearing suits, proceedings, applications and appeals and in executing orders made by them. Procedure of courts.

---

[1] This proviso was added by Bom. 61 of 1953, s. 17 (*1*).

[2] This sub-section was inserted by Bom. 36 of 1948, s. 5. This amendment shall not apply to appeals from decrees or orders made before the coming into operation of the said Act, *vide* s. 8.

[3] This sub-section was inserted by Bom. 61 of 1953, s. 17 (*2*).

[4] This section was inserted by Bom. 36 of 1948, s. 6.

PART III.

Hotels and Lodging Houses.

Appointment of Controller.

32. The [1][State] Government may by notification in the *Official Gazette* appoint any person to be a Controller for any area for the purposes of this Part.

Fixation of fair rates, [4][percentage of accommodation] and number of lodgers.

33. (*1*) The Controller may fix a fair rate to be charged for board, lodging or other service provided in a hotel or lodging house at such amount as having regard to the circumstances of the case, he deems just. [2][The Controller may also fix the percentage of accommodation of daily and monthly lodgers respectively, in a hotel or lodging house.]

(*2*) The Controller may fix a fair rate separately for—

(*i*) lodging with reference to the nature of the accommodation and the number of lodgers to be accommodated ;

(*ii*) board, partial or full ;

(*iii*) other service.

(*3*) The Controller may fix fair rates separately for daily and monthly lodgers.

(*4*) The Controller shall also fix the number of lodgers to be accommodated in each room or specified accommodation in the hotel or lodging house.

[3][*Explanation.*—For the purposes of this Part, a lodger who agrees to reserve accommodation in a hotel or lodging house for a period of less than a month shall be deemed to be a daily lodger.]

Revision of fair rates, [5][percentage of accommodation] and number of lodgers.

34. The Controller may, from time to time, revise the fair rates [5][the percentage of accommodation] or the number of lodgers fixed under section 33.

Continuance of fair rates before coming into operation of this Part.

35. Fair rates fixed under the Bombay Hotels and Lodging Houses Control Order, 1942, or the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, and which were in force immediately before the coming into operation of this Part shall be deemed to have been fixed under this Part, and the provisions of this Part shall apply in respect of such rates. Bom. VII of 1944.

Notice of fair rate, [6][percentage of accommodation] and number of lodgers to be displayed.

36. Where under section 33 or section 34 the Controller has fixed or revised the fair rate, [6][the percentage of accommodation] or the number of lodgers he shall direct the manager of the hotel or the owner of the lodging house, as the case may be, to display a notice of the fair rate, [6][percentage of accommodation], the number of lodgers and all the provisions of this Act relating thereto in a conspicuous manner in the hotel or lodging house and also in the room or accommodation in respect of which the fair rate and the number of lodgers are fixed or revised.

Charges not recoverable in excess of fair rate.

37. (*1*) Notwithstanding any agreement to the contrary, no manager of a hotel or owner of a lodging house shall charge any amount in excess of the fair rate.

(*2*) When the Controller has fixed the fair rate any agreement for the payment of any charges in excess of such fair rate shall be void in respect of such excess and shall be construed as if it were an agreement for payment or the said fair rate.

---

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] This portion was added by Bom. 3 of 1949, s. 4(*1*).
[3] This Explanation was inserted, *ibid*, s. 4 (*2*).
[4] These words were inserted, *ibid*, s. 4 (*3*).
[5] These words were inserted, *ibid*, s. 5.
[6] These words were inserted, *ibid*, s. 6.

(*3*) Any sum paid by a lodger in excess of the fair rate shall be recoverable by him at any time within a period of six months from the date of payment from the manager of the hotel or the owner of the lodging house or his legal representative, and may, without prejudice to any other remedy for recovery, be deducted by such lodger from any amount payable by him to such manager or owner.

No ejectment ordinarily to be made if fair rate paid.

38. No manager of a hotel or owner of a lodging house shall evict or refuse board or other service to a lodger so long as he pays, or is ready and willing to pay, the fair rate and observes and performs the other conditions of his agreement in so far as they are consistent with the provisions of this Act:

[1][Provided that where under section 33 or section 34 the Controller has fixed or revised the percentage of accommodation for daily and monthly lodgers respectively, the manager of a hotel or owner of a lodging house may refuse accommodation to any daily or monthly lodger, as the case may be, if the accommodation in respect of such class of lodgers is fully occupied.]

When manager of a hotel or owner of lodging house may recover possession.

39. Notwithstanding anything contained in this Act, a manager of a hotel or owner of a lodging house shall be entitled to recover possession of the accommodation provided by him on obtaining a certificate from the Controller certifying that—

(*a*) the lodger has been guilty of conduct which is a nuisance or an annoyance to any adjoining or neighbouring lodger; [2]*

(*b*) the accommodation is reasonably and *bona fide* required by the owner of the hotel or lodging house, as the case may be, either for his own occupation or for the occupation of any person for whose benefit the accommodation is held, or for any other cause which may be deemed satisfactory by the Controller; [3]*

[4][(*bb*) the lodger is habitually irregular in making payment of the charges for board, lodging or other service provided in the hotel or lodging house:]

[5][(*c*) the lodger has failed to vacate the accommodation on the termination of the period of the agreement in respect thereof:

Provided that before issuing a certificate under this clause the Controller shall take into consideration the vacancies, if any, in the accommodation for daily and monthly lodgers the percentage of which has been fixed or revised under section 33 or section 34 and the circumstances under which the lodger did not vacate on the termination of the period of the agreement:] [6][or]

[7][(*d*) the lodger has done any act which is inconsistent with the purpose for which the accommodation is provided to him or which is likely to affect adversely and substantially the owner's interest therein.]

Penalties.

40. (*1*) If any manager of a hotel or owner of a lodging house either himself or through any person acting or purporting to act on his behalf or if any person acting or purporting to act on behalf of a manager of a hotel or owner of a lodging house receives any fine, premium or other like sum or deposit or any consideration other than the fair rate, in respect of the grant or continuance of accommodation in the hotel or lodging house, such manager, owner or person shall, on conviction, be punished with imprisonment for a term which may extend to six months and shall also be punished with fine which shall not be less than the amount of the fine, premium or sum or deposit or the value of the consideration received by him.

---

[1] This proviso was added by Bom. 3 of 1949, s. 7.
[2] The word "or" was deleted, *ibid*, s. 8.
[3] The word "or" was deleted by Bom. 58 of 1949, s. 6 (*1*).
[4] This clause was inserted by Bom. 61 of 1953, s. 18.
[5] This clause was added by Bom. 3 of 1949, s. 8.
[6] The word "or" was added by Bom. 58 of 1949, s. 6 (*2*).
[7] Clause (*d*) was added, *ibid*, s. 6 (*3*).

(*2*) Any manager of a hotel or owner of a lodging house who charges any amount in excess of the fair rate in contravention of section 37 shall, on conviction, be punishable with imprisonment which may extend to three months, or with fine, or with both.

(*3*) Any manager of a hotel or owner of a lodging house who accommodates lodgers or permits lodgers to be accommodated in a room or specified accommodation in excess of the number fixed by the Controller shall, on conviction, be punishable with fine which may extend to one thousand rupees.

(*4*) Any manager of a hotel or owner of a lodging house who fails to display a notice in contravention of the Controller's direction under section 36 shall, on conviction, be punishable with fine which may extend to five hundred rupees.

[1][*Explanation.*—For the purposes of sub-section (*1*), receipt of charges in advance for more than one month shall be deemed to be a fine or premium or consideration.]

Provisions relating to inquiries by Controller.

41. (*1*) No order under this Act shall be made by the Controller except after holding an inquiry.

(*2*) Every such inquiry shall be made summarily in the prescribed manner.

(*3*) For the purposes of holding an inquiry under sub-section (*1*) the Controller shall have the same powers as are vested in Civil Courts in respect of—

(*a*) proof of facts by affidavits,

(*b*) summoning and enforcing the attendance of any person and examining him on oath,

(*c*) compelling the production of documents, and

(*d*) issuing commissions for the examination of witnesses.

(*4*) The Controller may himself, enter or authorize any person subordinate to him to enter upon any premises, hotel or lodging house or any part thereof to which the inquiry relates.

Appeal.

42. An appeal shall lie to the [2][State] Government from an order passed by the Controller under the provisions of this Part (including an order granting or refusing a certificate under section 39) within fifteen days from the date of communication of the order and the [2][State] Government may pass such order as it deems fit.

Procedure of Courts in suits.

43. [3][(*1*)] The provisions contained in sections 28, 29, 30 and 31 shall, [4][subject to the provisions of sub-section (*2*),] apply to suits by a manager of a hotel or an owner of a lodging house against a lodger for recovery of charges for, or possession of, the accommodation provided in the hotel or lodging house.

[5][(*2*) Pending the final decision of the suit for recovery of charges for the accommodation provided in a hotel or lodging house, the manager of the hotel or the owner of the lodging house may make an application to the Court requiring the lodger to deposit in Court the amount of such charges. On such application, the Court shall forthwith make an order directing the lodger to deposit in Court such amount of charges within such period as it thinks fit and shall serve [6][the order upon the lodger and a copy thereof upon the manager] of the hotel or the owner of the lodging house. If the lodger fails to deposit such amount within the period specified in the order the Court may at any time thereafter pass an order for the eviction of the lodger.]

---

[1] This Explanation was added by Bom. 36 of 1948, s. 7.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] This section was renumbered as 43 (*1*) by Bom. 3 of 1949, s. 9 (*1*).

[4] This portion was inserted, *ibid.*

[5] This sub-section was inserted, *ibid.*, s. 9(*2*).

[6] These words were substituted for the words "a copy of such order upon the manager" by Bom. 61 of 1953, s. 19.

Controller to be deemed public servant.

44. A Controller appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

All proceedings before a Controller to be judicial proceedings.

45. All proceedings before a Controller shall be deemed to be judicial proceedings for the purposes of sections 193 and 228 of the Indian Penal Code. XLV of 1860.

Protection of action taken under this Act.

46. No suit, prosecution or other legal proceeding shall lie against a Controller in respect of anything in good faith done or intended to be done under this Act.

PART IV.

Miscellaneous.

Certain offences to be cognizable

47. (*1*) Offences under sections 16, 17, [1][17A, 17C,] 18, 19, sub-section (*4*) of section 24, section 25 and sub-sections (*1*) and (*2*) of section 40 shall be cognizable and shall not be triable by any Court inferior to that of a Presidency Magistrate or a Magistrate of the First Class.

(*2*) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for a Magistrate trying offences under this Act to pass sentences of fine or to award any punishment under this Act in excess of his powers. V of 1898.

Offence by companies, etc.

48. Where a person committing an offence under this Act is a company, or other body corporate, or an association of persons (whether incorporated or not), or a firm, every director, manager, secretary, agent or other officer or person concerned with the management thereof, and every partner of the firm shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Rules.

49. (*1*) The [2][State] Government may, by notification in the *Official Gazette* and subject to the condition of previous publication, make rules for the purpose of giving effect to the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for—

[3][(*ai*) the manner in which addition to the rent shall be made under sub-section (*1*) of section 10D ;]

(*i*) the form and the manner in which a receipt is to be given under sub-section (*1*) of section 26 ;

(*ii*) the manner in which rent recoverable according to any calendar other than the British calendar before the coming into operation of this Act shall be calculated and charged in terms of the British calendar under sub-section (*2*) of section 27 ;

(*iii*) the procedure to be followed in trying or hearing suits, proceedings (including proceedings for execution of decrees and distress warrants), applications, appeals and execution of orders ;

(*iv*) the manner in which inquiries shall be made summarily under sub-section (*2*) of section 41 ;

(*v*) levy of court fees in suits, proceedings and applications instituted before a Court or Controller.

---

[1] These figures and letters were inserted by Bom. 53 of 1950, s. 8.
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[3] This clause was inserted by Bom. 31 of 1953, s. 20.

Repeal.

†**50.** The Bombay Rent Restriction Act, 1939, and the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, are hereby repealed : Bom. XVI of 1939. Bom. VII of 1944.

Provided that all suits and proceedings [1]* * between a landlord and a tenant relating to the recovery or fixing of rent or possession of any premises to which the provisions of Part II apply and all suits and proceedings by a manager of a hotel or an owner of a lodging house against a lodger for the recovery of charges for, or possession of, the accommodation provided in a hotel or lodging house situate in an area to which Part III applies, which are pending in any Court, shall be transferred to and continued before the Courts which would have jurisdiction to try such suits or proceedings under this Act [2][or shall be continued in such Courts, as the case may be,], and [3]* all the provisions of this Act and the rules made thereunder shall apply to all such suits and proceedings.

[4][Nothing in this proviso shall apply to execution proceedings and appeals arising out of decrees or orders passed before the coming into operation of this Act and such execution proceedings and appeals shall be decided and disposed of as if this Act had not been passed :]

Provided further that—

(*a*) every order passed or act done by the Controllers under Part IV of the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, and every order or act deemed to have been passed or done under that Part shall be deemed to have been passed or done under this Act ; and Bom. VII 1944.

(*b*) all proceedings pending before the Controllers under Part IV of that Act shall be transferred to and continued before the Controllers appointed under this Act as if they were proceedings instituted before the Controllers under this Act.

Removal of doubt as regards proceedings under Chapter VII of Presidency Small Cause Courts Act, 1882.

[5]**51.** For the removal of doubt, it is hereby declared that, unless there is anything repugnant in the subject or context, references to suits or proceedings in this Act shall include references to proceedings under Chapter VII of the Presidency Small Cause Courts Act, 1882, and references to decrees in this Act shall include references to final orders in such proceedings.] XV of 1882.

---

† Section 13 of Bom. 3 of 1949 reads as under :—

13. *Sections 10 and 11 to have retrospective effect.*—The amendments made by sections 10 and 11 of this Act shall be deemed to have been made and come into force on the date on which the said Act came into force and shall always be deemed to have been made and in force from such date :

Provided that the validity of any decree or order passed in any suit or proceeding referred to in section 50 of the said Act between the 13th day of February 1948 and the 3rd day of February 1949 shall not be questioned only on the ground that such suit or proceeding should have been decided and disposed of in accordance with the provisions of the said Act and not in accordance with the provisions of any of the enactments repealed by the said Act or *vice versa* and any execution proceedings or appeals arising out of such decree or order shall be decided and disposed of in accordance with the provisions of the said Act or the enactments repealed in accordance with which, as the case may be, such decree or order was passed.

[1] The words " (other than execution proceedings and appeals) " were deleted by Bom. 3 of 1949, s. 10.

[2] These words were inserted, *ibid.*

[3] The word " thereupon " was deleted, *ibid.*

[4] This portion was inserted, *ibid.*

[5] This section was added, *ibid.*, s. 11.

SCHEDULE I.

[*See* section 2 (*2*).]

(*i*) The City of Bombay.

(*ii*) The Bombay Suburban District.

(*iii*) The Thana District.

(*iv*) The Nasik District.

(*v*) (*a*) *Ahmedabad District*—

(1) Ahmedabad Municipal Borough.
(2) Ahmedabad Cantonment.
(3) Kochrab Village.
(4) Paldi Village.
(5) Madalpur Village.
(6) Changispur Village.
(7) Shekhpur-Khanpur Village.
(8) Vasna-Maktampur Village.
(9) Vadaj Village.
(10) Usmanpur Village.
(11) Ranip Village.
(12) Survey Nos. 149, 150 and 151 of Memnagar Village.
(13) Baherampur Village.
(14) Ranip-Hirpur Village.
(15) Dani Limda Village.
(16) Gomtipur Village.
(17) Kokhra-Mahmedabad Village.
(18) Amraivali Village.
(19) Rakhial Village.
(20) Saraspur Village.
(21) Asarva Village.
(22) Revenue Survey Nos. 1077 to 1140 of Naroda Village.
(23) Sahijpur-Bogha Village.
(24) Dariapur-Kajipur Village.
(25) Hansol Village.
(26) Acher Village.

(*b*) *Kaira District*—

(1) Anand Municipal District.
(2) Borsad Municipal District.
(3) Mehmedabad Municipal District.
(4) Kapadwanj Municipal District.
(5) Umreth Municipal District.
(6) Dakore Municipal District.
(7) Kaira Municipal District.
(8) Nadiad Municipal Borough.
(9) Matar Village.
(10) Thasra Village

(*c*) *Broach District*—

(1) Broach Municipal Borough.
(2) Ankleshwar Municipal District.
(3) Jambusar Municipal District.

(*d*) *Panch Mahals District*—

(1) Dohad Municipal District.
(2) Godhra Municipal Borough.
(3) Jhalod Village.
(4) Halol Village.
(5) Kalol Village.
(6) Derol Village.
(7) Vejalpore Village.

(*e*) *Surat District*—

(1) Surat Municipal Borough.
(2) Bulsar Municipal District.
(3) Rander Municipal District.
(4) Jalalpore Village.
(5) Mandvi Village.
(6) Pardi Village.

(*f*) *Ahmednagar District*—

(1) Ahmednagar Municipal Borough.
(2) Ahmednagar Cantonment.
(3) Sangamner Municipal District.
(4) Kopargaon Municipal District.
(5) Shrirampur Municipal District.
(6) Akola Village.
(7) Rahuri Budruk Village.
(8) Newasa Budruk Village.
(9) Shevgaon Village.
(10) Shrigonda Village.
(11) Pathardi Village.
(12) Karjat Village.
(13) Jamkhed Village.
(14) Parner Village.
(15) Belapur Budruk Village.
(16) Newasa Khurd Village.
(17) The Revenue Village of Rahuri Khurd.
(18) The Revenue Village of Belapur Khurd.

SCHEDULE I—*contd.*

(*g*) *East Khandesh District*—

(1) Jalgaon Municipal Borough.
(2) Bhusaval Municipal Borough.
(3) Amalner Municipal Borough.
(4) Chalisgaon Municipal Borough.
(5) Pachora Municipal District.
(6) Chopda Municipal District.
(7) Yawal Municipal District.
(8) Raver Municipal District.
(9) Savda Municipal District.
(10) Faizpur Municipal District.

(*h*) *West Khandesh District*—

(1) Nandurbar Municipal District.
(2) Dhulia Municipal Borough.

(*i*) *Poona District*—

(1) Lonavla Municipal Borough.
(2) Poona City Municipal Borough.
(3) Poona Suburban Municipal Borough.
(4) Poona Cantonment.
(5) Aundh Road area which is under the jurisdiction of the Bapodi Gram Panchayat near Kirkee.
(6) The Village of Dapodi, Haveli Taluka.
(7) Baramati Municipal District.

(*j*) *Satara District*—

(1) Satara City Municipal Borough.
(2) Satara Suburban Municipal District.
(3) Karad Municipal Borough.
(4) Wai Municipal District.
(5) Panchgani Municipal District.
(6) Mahableshwar Municipal District.
(7) Tasgaon Municipal District.

(*k*) *Sholapur District*—

(1) Sholapur Municipal Borough.
(2) Barsi Municipal Borough.
(3) Pandharpur Municipal Borough.
(4) Karmala Municipal District.

(*k*) *Sholapur District*—contd.

(5) Sangola Municipal District.
(6) Madha Village.
(7) Mahol Village.
(8) Malsiras Village.
(9) Kurduwadi Village.
(10) Tembhurni Village.
(11) Akluj Village.
(12) Vairage Village.

(*l*) *Belgaum District*—

(1) Belgaum Municipal Borough.
(2) Belgaum Cantonment.
(3) Nipani Municipal Borough.
(4) Athni Municipal District.
(5) Gokak Municipal District.
(6) Saundatti-Yellama Municipal District.
(7) Bailhongal Municipal District.

(*m*) *Bijapur District*—

(1) Bijapur Municipal Borough.
(2) Bagalkot Municipal District.

(*n*) *Dharwar District*—

(1) Dharwar Municipal Borough.
(2) Hubli Municipal Borough.
(3) Gadag-Betgeri Municipal Borough.
(4) Haveri Municipal District.
(5) Ranebennur Municipal District.
(6) Navalgund Municipal District.
(7) Nargund Municipal District.
(8) Byadgi Municipal District.
(9) Gudguddapur Municipal District.
(10) Kalaghatgi-Bendigri Village.
(11) Karajgi-Chikmagdur Village.
(12) Hangal Village.
(13) Ron Village.
(14) Mundargi Village.
(15) The Revenue Village of Bankapur.
(16) The Revenue Village of Kod.
(17) Gajendragad Village.
(18) Annigeri Village.
(19) Hirekerur Village.
(20) Shiggaon Village.

SCHEDULE I—*concld.*

(*o*) *Kanara District*—

(1) Karwar Municipal District.
(2) Kumta Municipal District.
(3) Gokarn Municipal District.
(4) Bhatkal Municipal District.
(5) Sirsi Municipal District.
(6) Ankola Panchayat Group.
(7) Siddapur Panchayat Group.

(*p*) *Kolaba District*—

(1) Alibag Municipal District.
(2) Mahad Municipal District.
(3) Panvel Municipal District.

(*p*) *Kolaba District*—contd.

(4) Pen Municipal District.
(5) Roha-Ashtami Municipal District.
(6) Uran Municipal District.
(7) Karjat Village.

(*q*) *Ratnagiri District*—

(1) Ratnagiri Municipal Borough.
(2) Chiplun Municipal District.
(3) Malwan Municipal District.
(4) Vengurla Municipal District.

SCHEDULE II.

[*See* section 2 (*2*).]

(*i*) The City of Bombay.

(*ii*) *Ahmednagar District*—

(1) Ahmednagar Municipal Borough.
(2) Ahmednagar Cantonment.
(3) Sangamner Municipal District.
(4) Kopargaon Municipal District.
(5) Shrirampur Municipal District.
(6) Akola Village.
(7) Rahuri Budruk Village.
(8) Newasa Village.
(9) Shevgaon Village.
(10) Shrigonda Village.
(11) Pathardi Village.
(12) Karjat Village.
(13) Jamkhed Village.
(14) Parner Village.
(15) Belapur Budruk Village.
(16) Newasa Khurd Village.
(17) The Revenue Village of Rahuri Khurd.
(18) The Revenue Village of Belapur Khurd.

(*iii*) *East Khandesh District*—

(1) Jalgaon Municipal Borough.
(2) Bhusaval Municipal Borough.
(3) Amalner Municipal Borough.

(*iii*) *East Khandesh District*—contd.

(4) Chalisgaon Municipal Borough.
(5) Pachora Municipal District.
(6) Chopda Municipal District.
(7) Yawal Municipal District.
(8) Raver Municipal District.
(9) Savda Municipal District.
(10) Faizpur Municipal District.

(*iv*) *West Khandesh District*—

(1) Dhulia Municipal Borough.
(2) Nandurbar Municipal District.

(*v*) *Poona District*—

(1) Poona City Municipal Borough.
(2) Poona Suburban Municipal Borough.
(3) Poona Cantonment.
(4) Kirkee Cantonment.
(5) Lonavla Municipal Borough, including the Khandala area.
(6) Dhond Municipal District.

[1][SCHEDULE III.

(*See* section 10A.)

(*a*) *Bombay Suburban District*—

(1) Kurla Municipal Borough.
(2) Bandra Municipal Borough.
(3) Parle-Andheri Municipal Borough.
(4) Ghatkopar-Kirol Municipal Borough.
(5) Juhu Municipal District.
(6) Chembur Village.

(*b*) *Thana District*—

(1) Thana Municipal Borough.
(2) Malad Notified Area.
(3) Kandivali Notified Area.

(*b*) *Thana District*—contd.

(4) Borivli Notified Area.
(5) Mulund Village.
(6) Bhayandar Village.

(*c*) *Ahmedabad District*—

(1) Ahmedabad Municipal Borough.
(2) Ahmedabad Cantonment.

(*d*) *Poona District*—

(1) Poona City Municipal Borough.
(2) Poona Suburban Municipal Borough.
(3) Poona Cantonment.
(4) Kirkee Cantonment.]

---

[1] This schedule was added by Bom. 3 of 1949, s. 12.